

Identification of Nonattainment Classification and Deadlines for Submission of State Implementation Plan Provisions for the 1997 and 2006 Fine Particle Air Quality Standards

FACT SHEET

ACTION

- On November 15, 2013, the U.S. Environmental Protection Agency (EPA) proposed a rule to clarify PM_{2.5} implementation requirements to the states for current 1997 and 2006 nonattainment areas. EPA is issuing the rule in response to a recent decision of the D.C. Circuit Court addressing the role subpart 4 of Part D, title 1 of the Clean Air Act in implementing the fine particle pollution (PM_{2.5}) air quality standards.
- The rule proposes to:
 - (1) identify the classifications of areas currently designated nonattainment for the 1997 and/or 2006 PM_{2.5} standards, and
 - (2) set reasonable deadlines for states to submit remaining required attainment-related state implementation plans (SIPs) and nonattainment New Source Review (NSR) SIP elements.
- This rule proposes to classify areas currently designated nonattainment for the 1997 and/or 2006 PM_{2.5} standards initially as “moderate” by operation of law. Subpart 4 directs EPA to reclassify PM_{2.5} nonattainment through rulemaking prior to the attainment date if areas cannot practicably attain by that date. Otherwise, areas that fail to attain are reclassified by operation of law to “serious”. The serious areas have more time to meet the standard and a larger set of implementation requirements.
- The rule proposes to set the deadline of December 31, 2014 for states to submit attainment-related and nonattainment NSR SIP elements required under subpart 4. The proposal directs states to current EPA guidance that is available for developing these requirements.
- To avoid duplicative work, the proposed rule encourages states to consult with their EPA Regional Offices about SIPs that already have been submitted to the EPA under subpart 1 of the Clean Air Act and are now subject to subpart 4 requirements.
- EPA will continue working with the few areas affected by this rule on a case-by-case basis to ensure that the requirements of the Clean Air Act are addressed.

BACKGROUND

- On January 4, 2013, in *Natural Resources Defense Council (NRDC) v. EPA* court decision required the EPA to remand previous PM_{2.5} implementation rules for State Implementation Plans and nonattainment New Source Review rules. The Court found that the EPA erred in implementing the PM_{2.5} National Ambient Air Quality Standards (NAAQS) under the general implementation provisions of subpart 1 of part D, title I of the Clean Air Act and requires the EPA to implement PM_{2.5} under subpart 4 of part D, title I of the Act.

FOR MORE INFORMATION

- For more information on this proposed rule go to the EPA's Web site at <http://www.epa.gov/airquality/particlepollution/actions.html> or contact Mia South at 919-541-5550 or south.mia@epa.gov.